

OLC 77-4772/a

9 November 1977

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MEMORANDUM FOR: Cord Meyer
Special Assistant to the Deputy
Director of Central Intelligence

FROM:
Office of Legislative Counsel

SUBJECT: Omnibus Anti-Terrorism Act of 1977

REFERENCE: Your Memorandum dated 3 November 1977, Same Subject

1. This memorandum is in response to your request for informal comments on the Omnibus Anti-Terrorism Act of 1977. This bill would effect certain reorganization of the Federal Government by upgrading existing offices for combatting terrorism within State and Justice Departments and would use diplomatic initiatives and sanctions to combat international and domestic terrorism.

2. It does not appear that the proposed legislation would have an adverse effect on the Agency. The bill, however, does not recognize certain recent developments in the organization and management of foreign intelligence activities in support of U.S. counterterrorism programs such as: the national level organizational structure for U.S. anti-terrorism set up under PRM-30; the creation of a subcommittee of the Critical Collection Problems Committee to coordinate Intelligence Community activities with respect to international terrorism; or, the inclusion of international terrorist activities among the duties and responsibilities of the NSC Special Coordination Committee in drafts of the proposed new Executive Order governing U.S. foreign intelligence. Thus, the proposed Council to Combat Terrorism would appear to duplicate much of the initiative already taken by the Executive Branch.

3. Section 104 of the bill might raise a potential difficulty with respect to the protection of sources and methods. Section 104 requires the President to give an unclassified report to Congress following any terrorist act affecting U.S. citizens. Information that would "directly threaten" sources and methods may be withheld from the unclassified report and instead reported in classified form to the House and Senate Intelligence Committees. This is probably too narrow an exception to the disclosure requirements because sources and methods may be seriously affected and compromised by an indirect danger or threat.

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4. You may be interested to know that the Agency has been requested to provide comments on S. 2236, the Omnibus Anti-Terrorism Act of 1977 to Senator Ribicoff's Governmental Affairs Committee. As soon as the letter is written, we will send you a copy for your information.



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